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To : Secretary Ms. Marlene H. Dortch
Sent : 4/12/04 at 9:34:10 AM
Subject : RM-10865/DA No. 04-700

From : James Rybicki
Pages : 3 (including Cover)

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Office of the Prosecutor
County of Cape May

ROBERT H. CODEY
ACTING COUNTY PROSECUTOR

J. DAVID MLYER
First Assistant Prosecutor

JAMES E. RYBICKI
Chief of County Detectives



4 Moore Road
CAPE MAY COURTHOUSE
NEW JERSEY 08210-1601
RECEIVED
Phone: (609) 465-1111
Fax: (609) 465-1347

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Federal Communications Commission
Office of the Secretary

April 12, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

VIA FACSIMILE

Re: RM-10865/DA No. 04-700

Dear Madam Secretary:

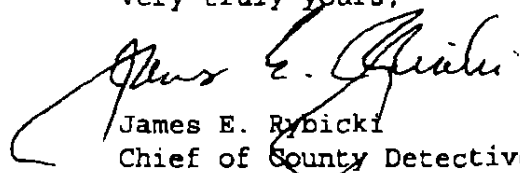
The Cape May County Prosecutor's Office submits these comments on the United States DOJ/FBI/DEA Joint Petition filed on March 10, 2004, before the FCC requesting that the FCC resolve, on an expedited basis, various critically important issues arising from the implementation of the Communications Assistance for Law Enforcement Act (CALEA).

It is vitally important that the FCC adopt the rules proposed by the DOJ, FBI and DEA. Congress enacted CALEA in 1994 to insure law enforcement has the ability to conduct authorized wiretaps as technologies change. Since 1994, many new communications technologies have arisen (e.g., broadband Internet access, voice over IP telephony, and push-to-talk services). These services pose a great to law enforcement because the providers of these services failed to voluntarily adopt currently available solutions. Voluntary industry compliance with CALEA does not work.

On a personal note, the impact of these rules is particularly significant to smaller agencies such as this office, which have limited resources to deal with what appears to be a blatant disregard of the CALEA legislation. Our community has seen an increase in the use of push-to-talk cellular services being utilized in narcotics related investigations. Although we have been able to accomplish successful investigations involving this technology through the assistance of the FBI and New Jersey State Police technical services, there often appear to be barriers posed by service providers. These barriers are both costly, time consuming, and do not appear to meet the intent of the CALEA legislation.

Thank you for your anticipated consideration of this most important CALEA petition for expedited rulemaking.

Very truly yours,



James E. Rybicki
Chief of County Detectives